

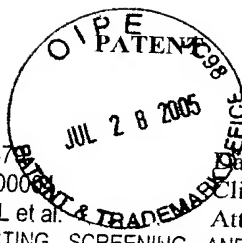
☐ Provisional
☒ Utility

Application No.: 10/529,478

Client/Matter No.: 59866 0000634

Inventor(s): Lasse L. HESSEL et al.

Title: A METHOD FOR DETECTING, SCREENING, AND/OR MONITORING A CANCER IN AN INDIVIDUAL



Date: July 28, 2005
Client: RIGHOSPITALET
Atty/Sec.: SA:sac

☐ Design
☐ PCT

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- ☒ Petition Under 37 C.F.R. § 1.182 To Remove Portion Of Preliminary Amendment From The National Phase And Accord A Separate Application Status To An Application Filed Under 35 U.S.C. § 111(a)
- ☒ Second Preliminary Under 35 C.F.R. § 1.115
- ☒ Supplemental Preliminary Amendment Under 37 C.F.R. § 1.115 For New Application Under 35 U.S.C. § 111(A)
- ☒ Copies of the specification and claims of PCT/DK2003/000634, the Preliminary Amendment Under 37 C.F.R. § 1.115, filed March 28, 2005 and the unexecuted Declaration.
- ☒ Charge Deposit Account 50-0206 the amount of \$1,050.00 for petition and application fee.
- ☒ Receipt Postcard

A
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:)	
)	
Lasse L. HESSEL et al.)	Confirmation No. TBA
)	
Serial No.: 10/529,479)	Art Unit: TBA
)	
Filed: March 28, 2005)	Examiner: TBA
)	

For: A METHOD FOR DETECTING, SCREENING, AND/OR MONITORING A CANCER
IN AN INDIVIDUAL

**PETITION UNDER 37 C.F.R. § 1.182 TO REMOVE PORTION OF
PRELIMINARY AMENDMENT FROM THE NATIONAL PHASE
AND ACCORD A SEPARATE APPLICATION STATUS TO
~~AN APPLICATION FILED UNDER 35 U.S.C. § 111(a)~~**

Attention Of: Mr. Leonard E. Smith
Mail Stop: PCT
Attn: Office of PCT Legal Administration
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants respectfully petition the Commissioner to remove or revise portions of the amendment of the specification included in the Preliminary Amendment Under 37 C.F.R. § 1.115 filed on March 28, 2005, in the above-identified National Phase patent application. A Second Preliminary Amendment under 37 C.F.R. § 1.115 reflecting the changes is filed herewith. Applicants request these changes out of abundance of caution because an argument could be raised that the portions of the amended specification, removed or revised in the Second Preliminary Amendment, were new matter.

Applicants also request that the substance of the March 28, 2005 Preliminary Amendment, together with PCT Application PCT/DK2003/000634 ("PCT '634 Application") be accorded the status of a separate application filed under 37 U.S.C. § 111(a) by being placed in a new file wrapper and assigned a new application number. Applicants respectfully request that the new application be accorded the filing date of March 28, 2005, i.e., the date on which the March 28, 2005 Preliminary Amendment was filed with the

Transmittal Letter to The United States Designated/Elected Office (DO/EO/US) Concerning the Submission Under 35 U.S.C. 371, along with the PCT '634 Application and all of the documents identified on the Transmittal Letter. Since the entire subject matter of the March 28, 2005 Preliminary Amendment, and the PCT '634 application was filed in the U.S. Patent and Trademark Office on March 28, 2005, Applicants submit that they are entitled to that filing date for the new application under 35 U.S.C. § 1.111(a).

Applicants enclose herewith a copy of the PCT '634 Application along with the copy of the March 28, 2005 Preliminary Amendment and unexecuted Declaration, all filed on March 28, 2005. Applicants also enclose a Supplemental Preliminary Amendment to indicate a proper relationship between the Application Under 35 U.S.C. § 111(a) and the PCT '634 Application. Applicants also enclose the amount of \$650.00 for the new application under 35 U.S.C. § 111(a). The Application Under 35 U.S.C. § 111(a) will include these documents.

Applicants are using this procedure consistent with advice from Mr. Leonard Smith, Office of PCT Legal Administration, of the U.S. Patent and Trademark Office, given to Applicants' Counsel. In particular, on July 27 and 28, 2005, Applicants' Counsel consulted with Mr. Smith about the appropriate procedure for filing an Application Under 35 U.S.C. § 111(a) with the same filing date as the above-identified National Phase application. Mr. Smith advised that Applicants should follow a procedure analogous to that described in the Manual of Patent Examining Procedure (MPEP), § 201.06(d), particularly at page 200-32, for a CPA application in the event that a substitute specification or a Preliminary Amendment containing new matter were filed with the request for CPA. (See the MPEP revision 2, dated May 2, 2004). Mr. Smith confirmed that if Applicants follow that procedure, their new application under 35 U.S.C. § 111(a) will be accorded the filing date of the National Phase application, i.e., March 28, 2005, as set forth in the aforementioned MPEP section. Mr. Smith also advised Applicants that this procedure will give Applicants two pending applications, the first one being the above-identified patent application Serial No. 10/529,479, and the second the new application under 35 U.S.C. § 111(a). In due course, according to Mr. Smith, Applicants may choose to abandon one of those applications.

For all the reasons set forth above, Applicants respectfully request:

1. granting of this Petition;
2. entry of the Second Preliminary Amendment Under 37 C.F.R. § 1.115 in Application No. 10/529,479; and
3. according to Applicants' new Application Under 35 U.S.C. § 111(a) the filing date of March 28, 2005 and a new application number.

Applicants enclose herewith the amount of \$400.00 required for this Petition. Authorization is hereby granted to charge the amount of \$1,050.00 to Deposit Account No. 50-0206.

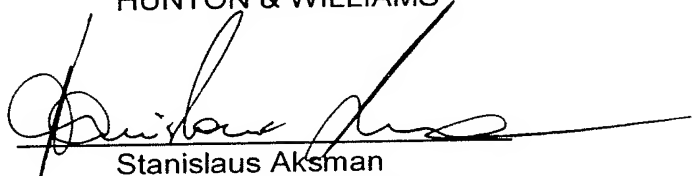
Please charge or credit the undersigned's Deposit Account No. 50-0206 for any other fees or overpayments related to the entry of this Petition, and filing of all attached documents.

Respectfully submitted,

HUNTON & WILLIAMS

July 28, 2005
Date

By:


Stanislaus Aksman
Registration No. 28,562

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